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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,096	03/12/2004	Clark Becker	3073	7625
7590 07/07/2005				
Beck & Tysver, P.L.L.C Suite 100 2900 Thomas Avenue S. Minneapolis, MN 55416			EXAMINER LE, UYEN CHAU N	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,096

Applicant(s)

BECKER, CLARK

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 28 March 2005.

Claim Objections

2. Claim 12 is objected to because of the following informalities:

Re claim 12, line 1: Substitute "said card" with -- a card --.

Re claim 12, line 1: Substitute "said card" with -- a card --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3, 6, 10, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al (US 6,859,212).

Re claims 1, 3, 6, 10, 14 and 16: Kumar et al discloses a system and method for providing personal internet access via a multi-customer kiosk, comprising means for entering customer identifier; database containing customer identifier stored in association with a customer's preferred internet portal and customer's log-in information for logging into the preferred internet portal; the database coupled to the means for entering customer identifier for data communication there between; display; means for accessing the customer's preferred portal, the portal accessing means operatively coupled to the database and to the display for displaying the customer's preferred portal, the portal accessing means passing the customer's log-in information to the preferred portal and, upon log-in displaying the preferred portal on the display (figs. 2-3; col. 9, line 30 through col. 14, line 64).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al in view of Curtis (US 5,812,765). The teachings of Kumar et al have been discussed above.

Re claims 2, 7-8 and 11-12: Kumar et al has been discussed above but is silent with respect to a card/magnetic card bearing a customer's identifier for logging in instead of user-name and password, respectively.

Curtis teaches an internet system having a magnetic card bearing a customer's identifier for logging in instead of user-name and password.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a magnetic card bearing a customer's identifier for logging in instead of user-name and password of Curtis into the system as taught by Kumar et al in order to provide Kumar et al with a more secure system in which the login information is read from a card, preventing fraudulent use (i.e., access into personal and secure websites by an unauthorized personnel) in the event of stolen user-name and password. Furthermore, such modification would provide Kumar et al with a more user-friendly system in which the user does not have to memorize his/her user-name and password and does not have to concern about forgetting his/her password, and therefore an obvious expedient.

7. Claims 4, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al in view of Schnase et al (US 6,078,928). The teachings of Kumar et al have been discussed above.

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Re claims 4, 9 and 13: Kumar et al has been discussed above but is silent with respect to a smart bearing a customer's identifier for logging in instead of user-name and password.

Schnase et al teaches an internet system having a smart card bearing a customer's identifier for logging in instead of user-name and password.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a smart card bearing a customer's identifier for logging in instead of user-name and password of Schnase et al into the system as taught by Kumar et al in order to provide Kumar et al with a more secure system in which the log-in information is read from a card, preventing fraudulent use (i.e., access into personal and secure websites by an unauthorized personnel) in the event of stolen user-name and password. Furthermore, such modification would provide Kumar et al with a more user-friendly system in which the user does not have to memorize his/her user-name and password and does not have to concern about forgetting his/her password, and therefore an obvious expedient.

8. Claims 5, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al in view of Butikofer (US 6,678,579). The teachings of Kumar et al have been discussed above.

Re claims 5, 15 and 17: Kumar et al has been discussed above but is silent with respect to means for entering the customer identifier includes a biometric reader.

Butikofer teaches an internet system having means for entering the customer identifier includes a biometric reader.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a biometric reader of Butikofer into the system as taught by Kumar et al in order to provide Kumar et al with a more secure system in which the log-in information is biometric information, preventing fraudulent use (i.e., access into personal and secure websites by an unauthorized personnel) in the event of stolen user-name and password or card. Furthermore, such modification would provide Kumar et al with a more user-friendly system in which the user does not have to memorize his/her user-name and password and does not have to concern about forgetting his/her password or misplacing his/her card, and therefore an obvious expedient.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 6 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited references to Kumar et al, Schnase et al and Curtis have been used in the new ground rejection to further meet the newly added limitation of the claimed invention (i.e., claims 1, 6 and 10).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Teper et al (US 5815665 A); Stoutenburg et al (US 6488203 B1); Kolls (US 6609102 B2); Yoo (US 20010056487 A1); Neely et al (US 20020077977 A1); Rangan et al (US 20020078079 A1); Morehead et al (US 20020091775 A1); Guo et al (US 20030217288 A1); and Chang (US 20040003259 A1) are cited as of interest and illustrate a similar structure to a speed pass system.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
June 26, 2005